



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/798,743

03/10/2004

Garrett R. Vargas

13768.783.111

6429

47973 7590 11/14/2008
WORKMAN NYDEGGER/MICROSOFT
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER

IBRAHIM, MOHAMED

ART UNIT

PAPER NUMBER

2444

MAIL DATE

DELIVERY MODE

11/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/798,743	Applicant(s) VARGAS ET AL.	
	Examiner MOHAMED IBRAHIM	Art Unit 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 14, 19, 21-23, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14, 19, 21-23, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/29/2008 has been entered.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 14 uses the phrase "Computer-readable medium" however the phrase lack proper antecedent basis from instant disclosure.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11, 14, 19, 21-23 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aronson et al (Aronson), U. S. Patent No. 6654787 in view of

Art Unit: 2444

Paul, U. S. Patent No. 5999932 and further in view of Hussey, U. S. Patent No. 6230156.

Regarding claim 1, Aronson discloses in a computing device, a method for filtering messages received by an inbox program to route selected messages to applications rather than directly to a message inbox (see e.g. Aronson, fig. 3 and col. 2 lines 19-24; a system for filtering received messages is provided), the method comprising: receiving a message at an inbox program that is configured to present message data to users, the inbox program including message storing component (see e.g. Aronson, col. 21-39; e-mail messages are received from mail server to the client's machine); calling a create message function and passing the flagged messages to the message storing component, upon the message storing component detecting the flag, the message storing component calling a first rule client of the set of at least one rule client and providing the message to the first rule client rather than storing the message in the message inbox (see e.g. Aronson, fig. 3, items 310, 320 and col. 5 lines 50-67; suspected spam messages are filter using rule handling filter modules); the first rule client processing the message such that the first rule client extracts information from the message and passes the information to an application program that is distinct from the inbox program (see e.g. Aronson, col. 5 lines 59-64; the message are analyze and words and letter are extracted from them); and receiving data from the first rule client, the data indicating whether the inbox program may provide the message to the next rule client in the set of at least one rule client or discard the message (see e.g. Aronson, col.

Art Unit: 2444

6 line 63-col. 7 line 6; several rules may be applied to messages to allow a filter module to decide that the message is spam).

Although Aronson discloses the invention substantially as claimed, it does not explicitly disclose inbox program for filtering messages incoming messages against a set of rules prior to transmitting message to the inbox for storing.

Paul teaches a system for filtering electronic messages using data matching and heuristic processing wherein an incoming message directed to a user is filtered against set of rules and depending of the produced flag, the message is passed to different rule. Eventually, the message is either deleted or transmitted to the user inbox for display (see Paul, fig. 6, col. 8 lines 17-34). At the time of the invention it would have been obvious for a person of ordinary skill in the art to include the teachings for Paul with that of Aronson. Motivation for doing so would have been to automatically filter and eliminate unsolicited message from getting into the user inbox (see Paul col. 2 lines 11-19).

Although the combinations of Aronson-Paul disclose the invention substantially as claimed, they do not explicitly teach the use of dynamic library link.

Hussey teaches an electronic mail interface system wherein the email processor comprises a dynamic link library for performing email message filtering on the received messages (see Hussey col. 7 lines 4-23 and col. 9 lines 17-23). At the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the teachings of Aronson-Paul with that of Hussey. Motivation for doing so would have been to provide efficiency in the processing and filtering of message by the utilization of dynamic link library.

Regarding claim 3, Aronson-Paul-Hussey teaches wherein receiving a message comprises receiving a message formatted according to a protocol, the protocol belonging to a set containing IMAP4, POP3, ActiveSync, Instant Messaging and MMS (see e.g. Aronson, col. 3 lines 54-60).

Regarding claim 4, Aronson-Paul-Hussey teaches wherein calling the first rule client and providing the message comprises calling the first rule client on a defined interface (see e.g. Aronson, col. 5 lines 31-52).

Regarding claim 5, Aronson-Paul-Hussey teaches further comprising, upon determining that the data indicates that the message should be discarded, the inbox program deleting the message (see e.g. Aronson, col. 4 lines 31-41).

Regarding claim 6, Aronson-Paul-Hussey teaches further comprising, upon determining that the data indicates that the message may be provided to the next rule client, determining whether there is a next rule client in the set of at least one rule client, and if so providing the message to the next rule client (see e.g. Aronson, col. 6 line 63-65).

Regarding claim 7, Aronson-Paul-Hussey teaches further comprising, upon determining that there is no next rule client in the set of at least one rule client, storing the message for display in a user interface corresponding to the inbox program (see e.g. Aronson,

Art Unit: 2444

col. 5 lines 9-12 also see Paul col. 4 lines 9-11). The same motivation utilized in the combination of claim 1, equally applies as well to claim 7.

Regarding claim 8, Aronson-Paul-Hussey teaches wherein the data indicating that the inbox program may provide the message to the next rule client comprises information indicating that the first rule client was not interested in processing the message (see e.g. Aronson, col. 5 lines 50-67 also see Paul col. 2 lines 35-39). The same motivation utilized in the combination of claim 1, equally applies as well to claim 8.

Regarding claim 9, Aronson-Paul-Hussey teaches wherein the data indicating that the inbox program may provide the message to the next rule client comprises information indicating that the first rule client processed the message (see e.g. Aronson, col. 6 lines 45-65).

Regarding claim 10, Aronson-Paul-Hussey teaches wherein providing the message comprises, making a copy of the message, and providing the copy to the first rule client (see e.g. Aronson, col. 2 lines 22-24).

Regarding claim 11, Aronson-Paul-Hussey teaches wherein the inbox program includes a message storing component, wherein the inbox program receives and flags the

Art Unit: 2444

message and then calls the message storing component by passing the flagged message such that the message storing component, upon detecting the flagged message, calls the first rule client (see e.g. Aronson, fig. 8 and col. 10 lines 45-64).

Regarding claim 14, the limitation of this claim has already been addressed (see claim 1 above).

Regarding claim 19, Aronson-Paul-Hussey teaches further comprising, the first rule client modifying the message (see e.g. Aronson, col. 9 lines 11-17).

Regarding claim 21, Aronson-Paul-Hussey teaches further comprising the first rule client providing information to the inbox program indicating that the first rule client requests read-only access to messages (see e.g. Aronson, col. 4 lines 57-64).

Regarding claim 22, Aronson-Paul-Hussey teaches wherein each of the rule clients of the set of rule clients is ordered such that rule clients requesting read-only access to messages are called prior to rule clients requesting write access to the messages (see e.g. Aronson, col. 4 lines 57-64 and col. 6 lines 64-65).

Claim 23 list all the same elements of claim 1, but in system form rather than method form. Therefore, the supporting rationale of the rejection to claim 1 applies equally as

Art Unit: 2444

well to claim 23. The same motivation utilized in the combination of claim 1, equally applies as well to claim 23.

Regarding claim 25, the limitation of this claim has already been addressed (see claim 7 above).

Regarding claim 26, the limitation of this claim has already been addressed (see claim 8 above).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aronson-Paul-Hussy in view of Koponen et al (Koponen), U. S. Patent Application Publication No. US 2004/0235503.

Although Aronson discloses the invention substantially as claimed, it does not explicitly disclose wherein receiving a message comprises receiving a message in an SMS format.

Koponen teaches a system for processing and filtering short message service (SMS) where SMS messages first goes to an analyzer that analyses the message in accordance with a predetermined way (see Koponen, paragraph [0030]-[[0031]). At the

Art Unit: 2444

time of the invention it would have been obvious to a person of ordinary skill in the art to combine the teachings of Koponen with that of Aronson-Paul-Hussey. Motivation for doing so would have been to expand the filtering capability of Aronson-Paul-Hussey to include limited size message filtering for all device capable of receiving and sending SMS (see, Koponen, paragraphs [[0003] and 0016]).

Response to Arguments

7. Applicant's arguments with respect to claims 1-11, 14, 19, 21-23 and 25-26 have been considered but are moot in view of the new ground(s) of rejection.

Prior Art of Record

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior art.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMED IBRAHIM whose telephone number is (571)270-1132. The examiner can normally be reached on Monday through Friday from 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn, Jr. can be reached on 571-272-3922. The fax phone

Art Unit: 2444

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MI/

/Paul H Kang/
Primary Examiner, Art Unit 2444